

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EDUARDO DASALLA LIZARDO  
8942 Del Rio Circle  
Gilroy, CA 95020

Registered Nurse License No. 507277

Respondent

Case No. 2007-4

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on April 20, 2008.

IT IS SO ORDERED March 20, 2008.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER, State Bar No. 141461  
Deputy Attorney General  
4 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
6 Facsimile: (415) 703-5480

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-4

12 **EDUARDO DASALLA LIZARDO**  
13 8942 Del Rio Circle  
Gilroy, CA 95020

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Registered Nurse License No. 507277

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:  
19

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of  
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
24 by Jonathan D. Cooper, Deputy Attorney General.

25 2. Respondent Eduardo Dasalla LizarDO (Respondent) is represented in this  
26 proceeding by attorney Douglas L. Rappaport, whose address is 260 California Street, Suite  
27 1002, San Francisco, California, 94111.

28 3. On or about December 20, 1994, the Board of Registered Nursing issued

1 Registered Nurse License No. 507277 to Eduardo Dasalla Lizardo (Respondent). The License  
2 was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-4  
3 and will expire on October 31, 2008, unless renewed.

#### 4 JURISDICTION

5 4. Accusation No. 2007-4 was filed before the Board of Registered Nursing  
6 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
7 Accusation and all other statutorily required documents were properly served on Respondent on  
8 July 20, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy  
9 of Accusation No. 2007-4 is attached as exhibit A and incorporated herein by reference.

#### 10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, discussed with counsel, and fully  
12 understands the charges and allegations in Accusation No. 2007-4. Respondent has also  
13 carefully read, discussed with counsel, and fully understands the effects of this Stipulated  
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
18 the right to present evidence and to testify on his own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

#### 24 CULPABILITY

25 8. Respondent understands and agrees that the charges and allegations in  
26 paragraph 12, subsections a, b and c, of Accusation No. 2007-4, if proven at a hearing, constitute  
27 cause for imposing discipline upon his Registered Nurse License.

28 9. Respondent admits the truth of each and every charge and allegation in

1 paragraph 12, subsection a, of Accusation No. 2007-4.

2 10. For the purpose of resolving the Accusation without the expense and  
3 uncertainty of further proceedings, Respondent hereby gives up his right to contest the remaining  
4 allegations.

5 11. Respondent agrees that his Registered Nurse License is subject to  
6 discipline and he agrees to be bound by the Board of Registered Nursing (Board) 's imposition of  
7 discipline as set forth in the Disciplinary Order below.

8 **CONTINGENCY**

9 12. This stipulation shall be subject to approval by the Board of Registered  
10 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
11 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
12 and settlement, without notice to or participation by Respondent or his counsel. By signing the  
13 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
15 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
17 action between the parties, and the Board shall not be disqualified from further action by having  
18 considered this matter.

19 **OTHER MATTERS**

20 13. The parties understand and agree that facsimile copies of this Stipulated  
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
22 force and effect as the originals.

23 **DISCIPLINARY ORDER**

24 In consideration of the foregoing admissions and stipulations, the parties agree  
25 that the Board may, without further notice or formal proceeding, issue and enter the following  
26 Disciplinary Order:

27 IT IS HEREBY ORDERED that Registered Nurse License No. 507277 issued to  
28 Respondent Eduardo Dasalla Lizardo (Respondent) is revoked. However, the revocation is

1 stayed and Respondent is placed on probation for three (3) years on the following terms and  
2 conditions.

3           **Severability Clause.** Each condition of probation contained herein is a separate  
4 and distinct condition. If any condition of this Order, or any application thereof, is declared  
5 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
6 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
7 and enforceable to the fullest extent permitted by law.

8           1.     **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
9 A full and detailed account of any and all violations of law shall be reported by Respondent to  
10 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
11 compliance with this condition, Respondent shall submit completed fingerprint forms and  
12 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
13 as part of the licensure application process.

14           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
15 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
16 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

17           2.     **Comply with the Board's Probation Program.** Respondent shall fully  
18 comply with the conditions of the Probation Program established by the Board and cooperate  
19 with representatives of the Board in its monitoring and investigation of the Respondent's  
20 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
21 within no more than 15 days of any address change and shall at all times maintain an active,  
22 current license status with the Board, including during any period of suspension.

23           Upon successful completion of probation, Respondent's license shall be fully  
24 restored.

25           3.     **Report in Person.** Respondent, during the period of probation, shall  
26 appear in person at interviews/meetings as directed by the Board or its designated  
27 representatives.

28           4.     **Residency, Practice, or Licensure Outside of State.** Periods of

1 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
2 of this probation time period. Respondent's probation is tolled, if and when he resides outside of  
3 California. Respondent must provide written notice to the Board within 15 days of any change of  
4 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
5 returning to practice in this state.

6 Respondent shall provide a list of all states and territories where he has ever been  
7 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
8 provide information regarding the status of each license and any changes in such license status  
9 during the term of probation. Respondent shall inform the Board if he applies for or obtains a  
10 new nursing license during the term of probation.

11 5. **Submit Written Reports.** Respondent, during the period of probation,  
12 shall submit or cause to be submitted such written reports/declarations and verification of actions  
13 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
14 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
15 Program. Respondent shall immediately execute all release of information forms as may be  
16 required by the Board or its representatives.

17 Respondent shall provide a copy of this Decision to the nursing regulatory agency  
18 in every state and territory in which he has a registered nurse license.

19 6. **Function as a Registered Nurse.** Respondent, during the period of  
20 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
21 hours per week for 6 consecutive months or as determined by the Board.

22 For purposes of compliance with the section, "engage in the practice of registered  
23 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
24 work in any non-direct patient care position that requires licensure as a registered nurse.

25 The Board may require that advanced practice nurses engage in advanced practice  
26 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
27 Board.

28 If Respondent has not complied with this condition during the probationary term,

1 and Respondent has presented sufficient documentation of his good faith efforts to comply with  
2 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
3 grant an extension of Respondent's probation period up to one year without further hearing in  
4 order to comply with this condition. During the one year extension, all original conditions of  
5 probation shall apply.

6           7.     **Employment Approval and Reporting Requirements.** Respondent  
7 shall obtain prior approval from the Board before commencing or continuing any employment,  
8 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
9 performance evaluations and other employment related reports as a registered nurse upon request  
10 of the Board.

11                 Respondent shall provide a copy of this Decision to his employer and immediate  
12 supervisors prior to commencement of any nursing or other health care related employment.

13                 In addition to the above, Respondent shall notify the Board in writing within  
14 seventy-two (72) hours after he obtains any nursing or other health care related employment.  
15 Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated  
16 or separated, regardless of cause, from any nursing, or other health care related employment with  
17 a full explanation of the circumstances surrounding the termination or separation.

18           8.     **Supervision.** Respondent shall obtain prior approval from the Board  
19 regarding Respondent's level of supervision and/or collaboration before commencing or  
20 continuing any employment as a registered nurse, or education and training that includes patient  
21 care.

22                 Respondent shall practice only under the direct supervision of a registered nurse  
23 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
24 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
25 are approved.

26                 Respondent's level of supervision and/or collaboration may include, but is not  
27 limited to the following:

28                 (a)   Maximum - The individual providing supervision and/or collaboration is

1 present in the patient care area or in any other work setting at all times.

2 (b) Moderate - The individual providing supervision and/or collaboration is in  
3 the patient care unit or in any other work setting at least half the hours Respondent works.

4 (c) Minimum - The individual providing supervision and/or collaboration has  
5 person-to-person communication with Respondent at least twice during each shift worked.

6 (d) Home Health Care - If Respondent is approved to work in the home health  
7 care setting, the individual providing supervision and/or collaboration shall have person-to-  
8 person communication with Respondent as required by the Board each work day. Respondent  
9 shall maintain telephone or other telecommunication contact with the individual providing  
10 supervision and/or collaboration as required by the Board during each work day. The individual  
11 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
12 site visits to patients' homes visited by Respondent with or without Respondent present.

13 9. **Employment Limitations.** Respondent shall not work for a nurse's  
14 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
15 traveling nurse, or for an in-house nursing pool.

16 Respondent shall not work for a licensed home health agency as a visiting nurse  
17 unless the registered nursing supervision and other protections for home visits have been  
18 approved by the Board. Respondent shall not work in any other registered nursing occupation  
19 where home visits are required.

20 Respondent shall not work in any health care setting as a supervisor of registered  
21 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
22 nurses and/or unlicensed assistive personnel on a case-by-case basis.

23 Respondent shall not work as a faculty member in an approved school of nursing  
24 or as an instructor in a Board approved continuing education program.

25 Respondent shall work only on a regularly assigned, identified and predetermined  
26 worksite(s) and shall not work in a float capacity.

27 If Respondent is working or intends to work in excess of 40 hours per week, the  
28 Board may request documentation to determine whether there should be restrictions on the hours



1 of work.

2                   10.     **Complete a Nursing Course(s).** Respondent, at his own expense, shall  
3 enroll and successfully complete a course relevant to the practice of registered nursing no later  
4 than six months prior to the end of his probationary term.

5                   Respondent shall obtain prior approval from the Board before enrolling in the  
6 course. Respondent shall submit to the Board the original transcripts or certificates of  
7 completion for the above required course. The Board shall return the original documents to  
8 Respondent after photocopying them for its records.

9                   11.     **Cost Recovery.** Respondent shall pay to the Board costs associated with  
10 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
11 amount of \$4,397.62. Respondent shall be permitted to pay these costs in a payment plan  
12 approved by the Board, with payments to be completed no later than three months prior to the  
13 end of the probation term.

14                   If Respondent has not complied with this condition during the probationary term,  
15 and Respondent has presented sufficient documentation of his good faith efforts to comply with  
16 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
17 grant an extension of Respondent's probation period up to one year without further hearing in  
18 order to comply with this condition. During the one year extension, all original conditions of  
19 probation will apply.

20                   12.     **Violation of Probation.** If Respondent violates the conditions of his  
21 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
22 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
23 license.

24                   If during the period of probation, an accusation or petition to revoke probation has  
25 been filed against Respondent's license or the Attorney General's Office has been requested to  
26 prepare an accusation or petition to revoke probation against Respondent's license, the  
27 probationary period shall automatically be extended and shall not expire until the accusation or  
28 petition has been acted upon by the Board.

1                   13.     **License Surrender.** During Respondent's term of probation, if he ceases  
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
3 probation, Respondent may surrender his license to the Board. The Board reserves the right to  
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
5 take any other action deemed appropriate and reasonable under the circumstances, without  
6 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
7 will no longer be subject to the conditions of probation.

8                   Surrender of Respondent's license shall be considered a disciplinary action and  
9 shall become a part of Respondent's license history with the Board. A registered nurse whose  
10 license has been surrendered may petition the Board for reinstatement no sooner than the  
11 following minimum periods from the effective date of the disciplinary decision:

12                   (1)     Two years for reinstatement of a license that was surrendered for any  
13 reason other than a mental or physical illness; or

14                   (2)     One year for a license surrendered for a mental or physical illness.

15                   14.     **Mental Health Examination.** Respondent shall, within 45 days of the  
16 effective date of this Decision, have a mental health examination including psychological testing  
17 as appropriate to determine his capability to perform the duties of a registered nurse. The  
18 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
19 practitioner approved by the Board. The examining mental health practitioner will submit a  
20 written report of that assessment and recommendations to the Board. All costs are the  
21 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
22 result of the mental health examination will be instituted and followed by Respondent.

23                   If Respondent is determined to be unable to practice safely as a registered nurse,  
24 the licensed mental health care practitioner making this determination shall immediately notify  
25 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
27 practice and may not resume practice until notified by the Board. During this period of  
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits  
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
3 probationary time period.


4 If Respondent fails to have the above assessment submitted to the Board within  
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
6 practice until notified by the Board. This period of suspension will not apply to the reduction of  
7 this probationary time period. The Board may waive or postpone this suspension only if  
8 significant, documented evidence of mitigation is provided. Such evidence must establish good  
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
10 provided. Only one such waiver or extension may be permitted.

11 15. **Therapy or Counseling Program.** Respondent, at his expense, shall  
12 participate in an on-going counseling program until such time as the Board releases him from this  
13 requirement and only upon the recommendation of the counselor. Written progress reports from  
14 the counselor will be required at various intervals.

15 **ACCEPTANCE**

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
17 have fully discussed it with my attorney, Douglas L. Rappaport. I understand the stipulation and  
18 the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement  
19 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
20 Decision and Order of the Board of Registered Nursing.

21 DATED: \_\_\_\_\_

22   
23 EDUARDO DASALLA LIZARDO  
24 Respondent

25 ///

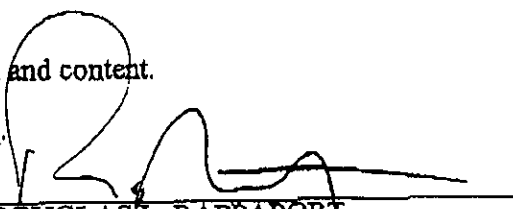
26 ///

27 ///

28 I have read and fully discussed with Respondent Eduardo Dasalla Lizarido the  
terms and conditions and other matters contained in the above Stipulated Settlement and

1 Disciplinary Order. I approve its form and content.

2 DATED: 1-7-08

3   
4 DOUGLAS L. RAPPAPORT  
Attorney for Respondent

5 ///

6 **ENDORSEMENT**

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
8 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
9 Affairs.

10  
11 DATED: 1/16/08

12 EDMUND G. BROWN JR., Attorney General  
of the State of California

13  
14 FRANK H. PACOE  
Supervising Deputy Attorney General

15  
16   
17 JONATHAN D. COOPER  
Deputy Attorney General

18 Attorneys for Complainant  
19

20 DOJ Matter ID: SF2005401300  
21 40197936.wpd  
22  
23  
24  
25  
26  
27  
28

**Exhibit A**  
**Accusation No. 2007-4**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 FRANK H. PACOE, State Bar No. 91740  
Supervising Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-5556  
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2007-4

11 **EDUARDO DASALLA LIZARDO**

**ACCUSATION**

12 8942 Del Rio Circle  
13 Gilroy, CA 95020

14 Registered Nurse License No. 507277

Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about December 20, 1994, the Board of Registered Nursing  
22 ("Board") issued Registered Nurse License Number 507277 to Eduardo Dasalla LizarDO  
23 ("Respondent"). The license was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on October 31, 2006, unless renewed.

25 **JURISDICTION**

26 3. Section 2750 of the Business and Professions Code ("Code") provides:

27 "Every certificate holder or licensee, including licensees  
28 holding temporary licenses, or licensees holding licenses placed  
in an inactive status, may be disciplined as provided in this

1 article [Article 3 of the Nursing Practice Act (Bus. & Prof  
2 Code, § 2700 et seq.)]. As used in this article, 'license' includes  
3 certificate, registration, or any other authorization to engage  
4 in practice regulated by this chapter. The proceedings under  
5 this article shall be conducted in accordance with Chapter 5  
6 (commencing with Section 11500) of Part 1 of Division 3  
7 of Title 2 of the Government Code [the Administrative  
8 procedure Act], and the board shall have all the powers  
9 granted therein."

10 4. Code section 2764 provides:

11 "The lapsing or suspension of a license by operation of  
12 law or by order or decision of the board or a court of law, or the  
13 voluntary surrender of a license by a licentiate shall not deprive the  
14 board of jurisdiction to proceed with any investigation of or action  
15 or disciplinary proceeding against such license, or to render a  
16 decision suspending or revoking such license."

### 11 STATUTORY PROVISIONS

12 5. Code section 2761, subdivision (a)(1), provides:

13 "The board may take disciplinary action against a certified  
14 or licensed nurse or deny an application for a certificate or license  
15 for any of the following:

16 (a) Unprofessional conduct, which includes, but is not  
17 limited to, the following:

18 (1) Incompetence, or gross negligence in carrying out  
19 usual certified or licensed nursing functions."

20 6. California Code of Regulations, title 16, section 1442, provides:

21 "As used in Section 2761 of the code, 'gross negligence'  
22 includes an extreme departure from the standard of care which,  
23 under similar circumstances, would have ordinarily been exercised  
24 by a competent registered nurse. Such an extreme departure means  
25 the repeated failure to provide nursing care as required or failure to  
26 provide care or to exercise ordinary precaution in a single situation  
27 which the nurse knew, or should have known, could have  
28 jeopardized the client's health or life."

29 7. Code section 125.3 provides that the Board may request the administrative  
30 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
31 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of  
32 the case.

33 ///

1

2

5

9

2

## 8

9

20

23

27

28



1 b. On or about June 17, 2004, Respondent ignored an assigned patient  
2 awaiting admission into the TCU section for over two hours.

3 c. On or about August 13, 2004, Respondent left his assigned location in  
4 the TCU for approximately two hours while one of his patient's was pending admission into the  
5 TCU without informing TCU staff of his whereabouts, and without following appropriate  
6 policies and procedures to ensure for the care and safety of the patients under his care.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct)

9 13. Respondent's license is subject to discipline under Code section 2761,  
10 subdivision (a), for commission of acts of unprofessional conduct as set forth under paragraph  
11 12, above.


12 **PRAYER**

13 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
14 herein alleged, and that following the hearing the Board issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 507277,  
16 issued to Eduardo Dasalla Lizardo;
- 17 2. Ordering Eduardo Dasalla Lizardo to pay the reasonable costs incurred by  
18 the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20

21 DATED: 7/13/06

22

23   
24 RUTH ANN TERRY, M.P.H., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
27 Department of Consumer Affairs  
28 State of California  
Complainant